

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY	)	
COMPANY,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO:
	)	2:05 -CV-01108-MEF
	)	
V.	)	
	)	
ARNBERG & ALLEN CONSTRUCTION,	)	
L.L.C.; STEPHEN D. ARNBERG,	)	
JIM ALLEN, MICHAEL O. LUNSFORD	)	
and DEBRA O. LUNSFORD.	)	
	)	
Defendants.	)	

**EMPLOYERS MUTUAL CASUALTY COMPANY'S**  
**MOTION FOR FINAL SUMMARY JUDGMENT**

COMES NOW Plaintiff, Employers Mutual Casualty Company ("EMCC"), and moves the Court pursuant to Rules 54 and 56 of the *Federal Rules of Civil Procedure*, to enter summary judgment in its favor, and to make same final, on the grounds that there are no genuine issues as to any material fact and EMCC is entitled to judgment as a matter of law on the insurance coverage issues as addressed in the attached Memorandum Brief.

This Motion is based upon the following:

1. The pleadings in this case;
2. A certified copy of the EMCC Commercial General Liability Policy Number 2D0-72-42B00 (hereinafter "the CGL Policy") issued to

Arnberg and Allen Construction, LLC with effective dates effective policy dates of July 22, 1999 through January 1, 2000. This Policy was renewed with effective dates of January 1, 2000 through January 1, 2003. A true, correct and authentic copy of this Policy from effective dates July 22, 1999 through January 1, 2003 are attached hereto as Exhibit 1.

3. A certified copy of the EMCC Umbrella Policy Number 2J0-72-42-00 issued to Arnberg and Allen Construction, LLC with effective policy dates of January 24, 2002 through January 1, 2003. A true, correct and authentic copy of the Umbrella Policy from effective dates January 24, 2002 to January 1, 2003 is attached hereto as Exhibit 2.

4. The relevant pleadings filed in the underlying action, copies of which are attached hereto as Exhibit 3;

5. The Affidavit of Rayford Smith, attached as Exhibit 4; and

6. EMCC's Memorandum Brief in Support of its Motion for Summary Judgment submitted to the Court contemporaneously with this Motion.

EMCC respectfully submits that based on the foregoing and the Memorandum Brief submitted herewith, there are no genuine issues as to any material fact and it is entitled to summary judgment as a matter of law.

**WHEREFORE**, EMCC respectfully requests this Court to enter final summary judgment in its favor.

Respectfully submitted,

/s/James A. Kee, Jr. ASB-4314-e68j  
/s/Cynthia A. Martin ASB-2044-i49c  
Attorneys for Plaintiff Employers  
Mutual Casualty Company

OF COUNSEL:  
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**CERTIFICATE OF SERVICE**

I do hereby certify that on October 25, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Richard H. Allen  
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/s/Cynthia A. Martin ASB-2044-i49c